SFIREG

STATE FIFRA ISSUES, RESEARCH AND EVALUATION GROUP

Pesticide Operations and Management Working Committee

March 19, 2026

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Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington, DC 20460-0001

Submitted electronically via Regulations.gov

Re: SFIREG-POM comments for Draft Pesticide Registration Notice (PR Notice) entitled "Pesticide Registration (PR) Notice 2026-NEW: Notifications, Non-Notifications, and Minor Formulation Amendments. Docket identification (ID) number EPA-HQ-OPP-2025-2863.

The State FIFRA Issues Research and Evaluation Group (SFIREG) and its three working committees, Environmental Quality Issues (EQI), Pesticide Operations Management (POM) and Endangered Species Strategies Implementation (ESI) provide a platform for the states and US Environmental Protection Agency (EPA) to resolve challenges for successful implementation of pesticide programs and policies. SFIREG serves as a permanent standing committee of the Association of American Pesticide Control Officials (AAPCO), which works to represent states in the development, implementation, and communication of sound public policies and programs related to the sale, use, transport, and disposal of pesticides. SFIREG has been working with EPA in coregulatory processes since 1978. The POM Working Committee is focused on registration, certification, and enforcement related pesticide issues of national or regional importance.

POM appreciates and supports the new PRN, which provides important updates to Pesticide Registration Notice 98-10, "Notifications, Non-notifications, and Minor Formulation Amendments." This topic has been discussed extensively during POM meetings and in conversations with EPA. POM offers the following comments and questions for consideration by EPA.

In general, we have the following recommendations for the new PRN:

Adding a definition or terms section. Terms are defined in foot notes and used throughout the document. Having them in one location is preferred (e.g. Notification, Master label) and will be more accessible for readers.

To improve clarity, we recommend more explicitly identifying actions that cannot or may not be completed through notifications, non-notifications, or similar mechanisms. These limitations tend to be obscured within lengthy paragraphs throughout the document. Presenting these statements separately and bolding the word "cannot" or an equivalent term would help ensure they stand out for readers. The following are some examples:

- Page 4 "A request to delete a use site from a registration cannot be done by notification and must be submitted via amendment and processed by EPA pursuant to FIFRA § 6(f)."

- Page 8 "Symbols, pictures, logos, and graphics that require the submission of data or a certification or require additional EPA review cannot be added through notification…."

- Page 8 "Botanical claims for inert ingredients may not be added via notification."

We recommend replacing non-enforceable terms with enforceable language throughout the document. For example, changing "should" to "must," and "should not" to "must not," "may not," or "cannot." Consistent use of these terms will improve clarity and ensure uniform interpretation. Example:

- Page 13 "Changes to labeling made through non-notification pursuant to this section should be included in draft labeling submitted for subsequent amendment or notification actions." Comment: "Should" is unclear and not enforceable by State Lead Agencies. Is the registrant required to include this with their draft labeling submission or not?

Clarifying the procedure for changing advisory statements (pages 2 and 37). The Draft PRN states in two places (pages 2 and 37) that the new PRN includes guidance "allowing for additions, modifications, or deletions of… advisory statements" and it supersedes the guidance in PRN 2000-5 that requires these changes by amendment. However, the Draft PRN doesn't include any additional references to advisory statements, and the Summary Table states this topic has been deleted. How does the new PRN supersede PRN 2000-5?

Adding the summary of topics deleted from 98-10 to the new PRN. According to the "Summary Table of Significant Changes between PR Notice 98-10 and Proposed PR Notice 2025-XX", several topics in PRN 98-10 have been deleted from the Draft PRN: Advisory Statements, Use Deletions Related to Data Call-In's, Storage and Disposal Statements, Statement of Practical Treatment, and Recycling of Containers. The summary table includes important information regarding current EPA practices and/or other relevant PRNs for these topics and users would benefit from having all this information in one place.

Specific sections, we have the following recommendations for the new PRN:

II. LABELING NOTIFICATIONS

Please clarify the process/procedures for notifications (page 32). We recommend clarifying how and when registrants know when they can start distributing/selling products that include labeling changes made via notification. For example, does CDX send registrants an automatic receipt at the time of submission? Or is the "Agency Response", which generally happens within 30 days, the only receipt they would get?

The first paragraph, second sentence is confusing, we recommend changing to "any change or modification made to the product registration labeling may not cause the product to be misbranded, which includes any changes that would make the labeling false or misleading, as described in 40 CFR § 156.10(a)(5)" to be consistent with language used in other sections of the document.

J. Revisions to 100% Repacked Products

Recommend listing out the (1) and (2) making it easier to read.

L. Marketing Claims

Please clarify what EPA does when there is a false or misleading claim, these marketing claim examples are not allowed, but are found on some labels now.

IV. NON-NOTIFICATIONS

The first paragraph states "…however, such changes should be incorporated during subsequent amendments or notifications…" This is not consistent in all the sub-sections; some sub-sections state that certain label changes "should not" be included in draft labeling submitted to EPA for subsequent notifications or amendments and other sub-sections require that companies "do not" include certain label changes. Having non-notifications that should not be added to subsequent submissions leads to version control problems for Registrants and makes for having to have a different "master label" be submitted for subsequent submissions that don't include those specific non-notification changes. Our recommendation is to require companies to incorporate all non-notification changes during subsequent amendments or notifications. Also see general comment above regarding advisory vs mandatory language.

There are several label terms in the section, we recommend adding them to the requested definitions/terms section. For example, is the Registrant's basic labeling considered the master label?

Supplemental distributor comments:

Adding a header to the second paragraph under IV. NON-NOTIFICATIONS (page 18) is recommended.

There is concern around registrants that do not have a final printed label for themselves, and the product is only sold through supplemental distributors. Are registrants still required to have a "final printed label"?

Information on the responsibility of the registrant should be at the beginning/introduction of the PRN; it applies to more than non-notification. "It is the responsibility of the registrant to coordinate with their supplemental distributors when a change is made to the registrant's labeling that may also affect the distributor labeling. All product labeling being distributed or sold—including labeling of distributor products—are subject to EPA's investigative and enforcement authorities."

"All product labeling being distributed or sold—including labeling of distributor products—are subject to EPA's investigative and enforcement authorities." Is this statement accurate? Would it make more sense to include the definitions of label/labeling in the proposed definitions/terms section? Concern that this statement does not include marketing, websites, etc. that don't include "sales".

A. Typographical and Printing Errors:
Recommend listing out/separating the paragraph making it easier to read.

Recommend adding frequency of application and maximum rate to the list of examples not allowed and stating that the list of examples for numerical typos is not exclusive.

F. Non-Pesticidal Characteristics

1. **Non-Pesticidal Effectiveness Claims.** A non-pesticidal claim, provided it does not cause the product to be misbranded,…

   Are there any examples of non-pesticidal effectiveness claims that would cause the product to be misbranded?

2. **#8 Use of "Other Ingredients" in the Ingredient Statement.** Any registrant may substitute the heading "Other Ingredients" in the label ingredient statement for the heading "Inert Ingredients" via non-notification. Registrants may not substitute the heading "Inert Ingredients" for "Other Ingredients" in the label ingredient statement.

   This is confusing as to why the non-notification change may not be made in the other direction. Can the change be made from "other ingredients" to "Inert ingredients" by notification or amendment? Or is it just that this change can never be made at all?

H. <u>Bilingual Labeling</u>:
A registrant may provide bilingual labeling on any product via non-notification if it is consistent with 40 CFR § 156.10(a)(3) and was not required through a registration approval. Can "registration approval" be clarified, does it mean submitted to EPA?

I. State Registration Status:

The addition of language voluntarily denoting that a product or particular use site and/or pest on product labeling is not registered in certain states may be added by non-notification is supported. However, it may be more appropriate to use a generic pest statement, such as "Not registered for use against XXXX (insert pest) on Citrus Fruit Group (Crop Group 10-10) by FL".

States that utilize these types of statements require collaboration/confirmation on these statements prior to their state registrations. Could a statement be added here to support the State Lead Agency (SLA) processes?

M. Addition or Deletion of Endangered Species Protection Bulletins Live! Two Language on the Label

"A registrant may add or remove Endangered Species Protection Bulletins Live! Two (BLT) language via non-notification under the following circumstances:"

1. BLT language can be removed if the Agency requests its removal in writing; or
   Is this the only deletion option?
2. BLT language can be added to the directions for use section of labeling with outdoor non-residential uses.
   Please provide more context.

"The Agency does not recommend adding BLT language under these situations…."

- What does "EPA does not recommend" mean?
- For what situations **would** EPA "recommend", as opposed to require, registrants adding BLT language via non-notification? When would registrants do this? Is this separate from the process for incorporating label amendments required by Interim Registration Review Decisions (IRRDs)?

POM has concerns that this endangered species sub-section will negatively impact SLA use inspections. If an SLA cannot review the most recent EPA stamped approved label or notification on PPLS to confirm a user's requirement to view BLT, how would an SLA know that it was part of the labeling without always receiving the full labeling that the user had on them? How would an SLA know that the lack of BLT language on the marketplace (i.e. final printed) label was intentional or a mistake? Additional clarification is needed to support this process.

POM suggests engaging with the Endangered Species Strategies Implementation (ESI) working committee on suggestions to the BLT section.

Given the significance of this new PRN, "Notifications, Non-notifications, and Minor Formulation Amendments", which provides important updates to Pesticide Registration Notice 98-10, POM is pleased to provide feedback that can assist EPA with their efforts. As your co-regulators, POM appreciates EPA's consideration of our comments and questions when developing the PRN.

We look forward to working with you in the future and please contact us if we can provide you with any additional information or clarification to our comments. Thank you again for the opportunity to provide comments on this very important PRN.

Sincerely,

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